

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DRFP, LLC, dba Skye Ventures,

Plaintiff,

v.

THE REPUBLICA BOLIVARIANA
DE VENEZUELA, *et al.*,

Defendants.

Case No. 2:04-cv-00793

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Terence P. Kemp

OPINION AND ORDER

This matter is before the Court on Defendants' objections to the Magistrate Judge's February 9, 2016 decision (ECF No. 732) awarding attorney's expenses and fees to a third-party (ECF No. 762). In their objection, Defendants ask the Court to reconsider the Magistrate Judge's decision to award third-party Venospa, LLC ("Venospa"), and its attorney, Pierce Cunningham ("Movants"), \$46,059.06 in fees and expenses incurred in responding to subpoenas served upon them by Defendant The Republica Bolivariana de Venezuela.

If a party objects within the allotted time, 28 U.S.C. § 636(b)(1) provides that a district court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate."

The Court has carefully reviewed Defendants' request for reconsideration. Defendants argue that: (1) the Opinion and Order failed to take into account their assertions that Venospa has an interest in the outcome of the litigation and is therefore not an ordinary non-party; (2) the Opinion and Order improperly shifted the Movants' subpoena-related costs to Defendants; and

(3) the Opinion and Order improperly awarded fees and expenses to the Movants despite their failure to comply with the subpoenas. The Court disagrees with Defendants' assertions. The Magistrate Judge's well-reasoned decision took into account all relevant factual details, identified and applied the proper analysis of what cost of subpoena compliance should be born by Defendants, and carefully reviewed the time and effort put into responding to the subpoenas before coming to its award. The Court declines to reconsider this assessment any further, and therefore, **DENIES** Defendants' Motion. (ECF No. 762.)

IT IS SO ORDERED.

7-22-2016
DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE